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PTO/SB/05 (03-01)

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	10624-136-999	Total Pages	189
	First Named Inventor or Application Identifier			
	Bhagwat et al.			
	Express Mail Label No.	EV 335 858 035 US		

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapters 600 concerning utility patent application contents.</i>	Address to: <b>Assistant Commissioner for Patents Box Patent Application Washington, DC 20231</b>
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1. ☒ Fee Transmittal Form  
*(Submit an original, and a duplicate for fee processing)*
2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 154]  
*(preferred arrangement set forth below, MPEP 1503.01)*  
- Descriptive title of the Invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R&D  
- Reference to Microfiche Appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description of the Invention (including drawings, if filed)  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 1]
5. ☒ Oath or Declaration [Total Sheets 3]  
a. ☒ Unexecuted  
b. ☐ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*  
i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*  
a. ☐ Computer Readable Form (CRF)  
b. ☐ Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statement verifying identity of above copies



#### ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
*(when there is an assignee)* (copy from application no. 09/527,750)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or its equivalent


18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

- ☒ Divisional ☐ Continuation divisional application under 37 CFR § 1.53(b), of pending prior application no. 10/085,999, filed on February 27, 2002, which is a divisional application of U.S. application no. 09/527,750, filed March 17, 2000, now U.S. Patent no. 6,436,923, which claims the benefit of U.S. provisional application no. 60/240,909, filed March 17, 1999, the disclosure of each of the foregoing applications is incorporated by reference in the present application in its entirety.

Prior application information: Examiner: H. Liu Group Art Unit: 1624

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

#### 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number		20583	or <input type="checkbox"/> Correspondence address below
Insert Customer No. or Attach bar code label here			
NAME			
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner H. LiuArt Unit 1624

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 10/085,999, filed on February 27, 2002, which is a divisional application of U.S. application no. 09/527,750, filed March 17, 2000, now U.S. Patent no. 6,436,923, which claims the benefit of U.S. provisional application no. 60/240,909, filed March 17, 1999, the disclosure of each of the foregoing applications is incorporated by reference in the present application in its entirety.

of Shripad S. Bhagwat, Leah M. Gayo-Fung, Bernd M. Stein, Qi Chao, Anthony R. Gangloff, Kenneth D. Rice  
(inventor(s) currently of record in prior application)

for COMPOUNDS AND METHODS FOR MODULATION OF ESTROGEN RECEPTORS  
(title of invention)

1. ☒ The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	6	- 20	0	\$18.00 each	\$ 0.00
Independent	2	- 3	0	\$86.00 each	\$ 0.00
Minimum Fee					\$ 750.00
Multiple Dependency Fee If Applicable (\$280.00)					\$ 0.00
<b>Total</b>					\$ 750.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 750.00
<b>Total Filing Fee</b>					\$ 750.00

2. ☒ Please calculate the filing fee after the Preliminary Amendment filed concurrently herewith is entered. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this document is enclosed.
3. ☐ Amend the specification by inserting before the first line the following sentence: This is a continuation of application no. filed which is incorporated by reference herein in its entirety.
- 4a. ☒ Drawings are enclosed (one (1) sheet of FIGS 1A and 1B).

- 4b. ☐ Informal drawings are enclosed.
- 5a. ☒ Priority of application no. 60/240,909 filed on March 17, 1999 is claimed under 35 U.S.C. §119(e).
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to Signal Pharmaceuticals, Inc. by way of an assignment recorded on August 28, 2000 at Reel/Frame 011031/0833.
- 7a. ☒ A copy of a Power of Attorney by Assignee of Entire Interest and Revocation of Prior Power of Attorney originally filed in connection with application no. 09/527,750, filed March 17, 2000, now U.S. Patent no. 6,436,923, which was also filed in the prior application no. 10/085,999, filed February 27, 2002, is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. ☐ Additional Instructions or Enclosures:

Respectfully submitted,

*Anthony M. Insogna, Reg. No. 35,203*

Date December 8, 2003

By: *Michael J. Berman, Reg. No. 47,458* 35,203  
(Reg. No.)

Anthony M. Insogna

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